

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 8 Landings Program

ADOPTED RULE NUMBER:
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

CONCISE SUMMARY:
This rule updates reporting requirements for herring and menhaden. The Primary Buyer Permit reporting elements for herring are expanded and are required weekly. The Herring Harvester Permit reporting requirements are expanded and are required daily. The Menhaden Harvester Permit is implemented, and reporting is required daily during the quota fisheries and weekly during the small-scale fishery.

EFFECTIVE DATE:
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

AGENCY CONTACT PERSON: Amanda Ellis (207) 624-6573
AGENCY NAME: Department of Marine Resources
ADDRESS: 21 State House Station
Augusta, Maine 04333
WEB SITE: <http://www.maine.gov/dmr/rulemaking/>
E-MAIL: dmr.rulemaking@maine.gov
TELEPHONE: (207) 624-6573
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TTY: (207) 633-9500 (Deaf/Hard of Hearing)

Please approve bottom portion of this form and assign appropriate MFASIS number.

| | | | | | |
|-------------------------------------------------------------------------------------|-------------|------|----|------|-------------|
| APPROVED FOR PAYMENT _____ | DATE: _____ | | | | |
| FUND AGENCY S-UNIT APP OBJT AMOUNT | | | | | |
| <i>Please forward invoice to: Natural Resource Service Center, 155 SHS, Augusta</i> | | | | | |
| 010 | 13A | 1120 | 10 | 4946 | regulations |

DEPARTMENT OF MARINE RESOURCES

Chapter 8 Landings Program

8.10 Primary Buyer Permit Reporting

C. Additional data elements and requirements for specific fisheries:

~~2. Herring: must report document or serial number of harvester report; and price/lb or total value on a trip level basis~~

Any Primary Buyer shall report weekly to the Department's Landings Program. Reports required in this section must be submitted electronically to DMR using an approved electronic format, such as the Standard Atlantic Fisheries Information System (SAFIS), file uploading, or Trip Ticket software. The reporting week begins on Sunday at 0001 hrs (12:01 AM) local time and ends Saturday at 2400 hrs (12:00 midnight). Reports must be submitted by midnight Tuesday, three days after the end of each reporting week. Dealers who want to make corrections to their trip-level reports may do so for up to 3 business days following submission of the initial report. If a correction is needed more than 3 business days following the submission of the initial trip-level report, the dealer must contact DMR directly to request an extension of time to make the correction.

Dealers must provide the following information:

1. Dealer ID
2. Trip start date
3. Landing date
4. Harvester ID
5. Vessel ID (Hull ID)
6. Gear Type
7. Species, market size and grade
8. Quantity and unit
9. Disposition
10. Daily price per unit
11. Port landed

8.20 Harvester Reporting

M. ~~Intentionally blank~~ Menhaden Harvester Permit

Any person that holds a Commercial Pelagic and Anadromous Fishing License issued under 12 M.R.S. §6502-A and a Menhaden Harvester Permit under that license must submit daily catch reports during the state and episodic fisheries; and, weekly catch reports during the small scale fishery. Catches from fixed gear must be included in these reports. Any person that holds more than one Commercial Pelagic and Anadromous Fishing License with the Menhaden Harvester Permit must report for each license they hold. Reports are required even if the menhaden caught during the week have not been landed. The report shall include the following data elements:

1. Harvester name (as it appears on the harvesting license) and landings number
2. Boat name and state vessel registration number or Coast Guard number (if a boat was used)
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain)
6. Gear type and quantity
7. Number of sets/tows
8. Set time (the average time your gear fished)
9. Average depth

10. Latitude and longitude
11. Sea time (including travel)
12. Pounds by species of all species caught (including discards)
13. Landings number of dealer sold to, or if not sold to a licensed dealer, disposition of catch and whether catch was carried
14. Port landed
15. Signature written or electronic

Menhaden reports are not required from menhaden carrier vessels.

R. Herring Harvester Permit

Any person that holds a Commercial Pelagic and Anadromous Fishing License issued under 12 M.R.S. §6502-A and a Herring Harvester Permit under that license must submit daily weekly catch reports during June 1 and September 30; and, monthly outside of the season. Catches from fixed gear must be included in these reports. Any person that holds more than one Commercial Pelagic and Anadromous Fishing License with the Herring Harvester Permit must report for each license they hold. Reports are required even if the herring caught during the week have not been landed. The report shall include the following data elements:

1. Harvester name (as it appears on the harvesting license) and landings number
2. Boat name and state vessel registration number or Coast Guard number (if a boat was used)
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain)
6. Gear type and quantity
7. Number of sets/tows
8. Set time (the average time your gear fished)
9. Average depth
10. Latitude and longitude
11. Sea time (including travel)
12. Pounds by species of all species caught (including discards)
13. Landings number of dealer sold to, or if not sold to a licensed dealer, disposition of catch and whether catch was carried
14. Port landed
15. Signature written or electronic

- ~~1. Reporting week number~~
- ~~2. Negative reporting period if no harvesting activity occurred~~
- ~~3. Total pounds kept~~
- ~~4. Total pounds discarded~~
- ~~5. Federal fishery management area where the fish were caught~~

~~The reporting week begins Sunday at 0001 hrs (12:01 am) and ends Saturday at 2400 hrs (midnight). Weekly Atlantic herring catch reports must be submitted by midnight Tuesday for the previous week. The weekly report does not exempt the license holder from their Commercial Pelagic and Anadromous Fishing license report (in section P above). Atlantic herring reports are not required from Atlantic herring carrier vessels.~~

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: 13-188- Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573; web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 8 Landings Program

STATUTORY AUTHORITY: 12 M.R.S. § 6173

DATE AND PLACE OF PUBLIC HEARING(S): January 27, 2020, at 4:00 p.m., Marquardt Building, Room 118, 32 Blossom Lane, Augusta. Snow date: January 31, 2020, at 4:30 p.m., Marquardt Building, Room 118, 32 Blossom Lane, Augusta.

COMMENT DEADLINE: February 10, 2020

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [see §8057-A(1)(A)&(C)]

This proposed rulemaking updates reporting requirements for herring and menhaden. The Primary Buyer Permit reporting elements for herring have been expanded and will be required weekly. The Herring Harvester Permit reporting requirements have been expanded and will be required daily. The Menhaden Harvester Permit has been introduced and will be required daily during the quota fisheries and weekly during the small scale fishery.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___ YES ___ X ___ NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]

This proposed rule is expected to streamline the reporting process for both harvesters and buyers, and aid in better quota monitoring by DMR resource management staff.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE

Information to support these changes were offered through feedback from DMR Landings Program staff and also the Bureau of Marine Patrol.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]

Enforcement of these proposed amendments will not require additional activity in this Agency. Existing enforcement personnel will monitor compliance during their routine patrols.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used

Basis Statement

This rule updates reporting requirements for herring and menhaden. The Primary Buyer Permit reporting elements for herring are expanded and are required weekly. The Herring Harvester Permit reporting requirements are expanded and are required daily. The Menhaden Harvester Permit is implemented, and reporting is required daily during the quota fisheries and weekly during the small-scale fishery.

Based on the lack of comments received, the Department is not recommending any changes to what was originally proposed.

Summary of Comments

Notice of this proposed rulemaking appeared on January 8, 2020 in the five major daily newspapers as published by the Secretary of State. On January 8, 2020, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. Public hearings were advertised in compliance with the procedures outlined in the Maine Administrative Procedures Act and were held as follows: 4:00 PM January 27, 2020 Rm 118 DMR Offices, Marquardt Building, Augusta. The comment period closed February 10, 2020.

I. Augusta Public Hearing

| Members of the Public | DMR Staff |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| Earl Small, Gary Small, Glenn Lawrence, Doug Jowett, Robert Bernat, Andrew Banon, Jocelyn Runnebaum, Jeff McLean, Howard Harrington, Jeanne Fuller, Samuel Fuller, Chad Benner, Toby Benner, Cory Blackler, Robert Begin, Jim Wotton, Josh Saxton, Cova Willis, Alex Todd, Jim Clemons, Dan Miller, Tad Miller, Craig King, Barry Gibson, Larry Grimard, Jason Farris, Peter Fallon, David Pecci, Forest Faulkingham | Deirdre Gilbert and Melissa Smith |

Those who attended the public hearing did not offer any public comment on the proposed rule.

Written Comments

Comment period closed February 10, 2020

DMR did not receive any written comments on the proposal.